

Message Text

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PAGE 01 STATE 115691

61

ORIGIN STR-08

INFO OCT-01 EUR-25 IO-14 ISO-00 AID-20 CEA-02 CIAE-00

COME-00 EB-11 EA-11 FRB-02 INR-10 NEA-14 NSAE-00

RSC-01 OPIC-12 SP-03 TRSE-00 CIEP-02 LAB-06 SIL-01

SWF-02 OMB-01 GSA-02 OIC-04 L-03 DODE-00 PA-04

USIA-15 PRS-01 /175 R

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APPROVED BY STR:AGARLAND

LABOR:GVERNON/GMOODY

TREAS:JJOHNSON/

COMMERCE:DROHR/KKUWABARA

GSA;PREAD

DOD:JDARLING/RBOOTON

STATE:EKEMPE/RMEIMA

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FM SECSTATE WASHDC

TO USMISSION OECD PARIS

INFO USMISSION GENEVA

AMEMBASSY BRUSSELS

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E.O. 11652:GDS

TAGS:ETRD, OECD

SUBJECT: JUNE 11-13 MEETING OF THE TCWP ON GOVERNMENT
PURCHASING

THE TSC HAS APPROVED THE FOLLOWING INSTRUCTIONS FOR THE
DELEGATION TO THE SUBJECT MEETING:

1. THE DELEGATION SHOULD BE GUIDED BY OUTSTANDING
GUIDELINES FOR EARLIER DISCUSSIONS OF THE TCWP AS AMPLIFIED
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PAGE 02 STATE 115691

BY THESE INSTRUCTIONS. WORK ON THE DRAFT GOVERNMENT PRO-

CUREMENT INSTRUMENT SHOULD EMPHASIZE U.S. AIM OF MOVING AT THIS STAGE TOWARD AGREEMENT ON UNDERLYING PRINCIPLES. REDRAFTING OF TEXT SHOULD BE AVOIDED UNLESS DESIRABLE TO PIN DOWN OVERALL AGREEMENT ON PARTICULAR PRINCIPLES.

2. DATA GATHERING -- OPTIMUM GOAL IS TO ACHIEVE TCWP AGREEMENT ON DATA REQUIREMENTS EARLIER PROVIDED TO MISSION IN STATE 67423, SPECIFICALLY: TOTAL PROCUREMENT BY CENTRAL GOVERNMENT ENTITIES AND BY ENTITIES SUBSTANTIALLY CONTROLLED BY CENTRAL GOVERNMENTS; BREAKDOWN BY DEPARTMENT AND AGENCY; SOME MEANS OF DISTINGUISHING MILITARY AND CIVILIAN EXPENDITURES; AND, AN INDICATION OF AMOUNT OF PROCUREMENT PROVIDED BY FOREIGN SUPPLIERS. DEL MUST HOWEVER BE FLEXIBLE IN LIGHT OF PAST EXPERIENCE AND OF SECRETARIAT NOTE TFD/TD/781, PARTICULARLY ANNEX SECTION A.I. WHICH SEEMS TO CALL FOR A BREAKDOWN OF DATA WHICH THE U.S. COULD NOT SUPPLY EVEN IF OUR PLANNED DATA GATHERING EFFORT WAS IN PLACE. U.S. POSITION MUST ALSO RECOGNIZE THAT OTHER COUNTRIES MAY FACE THE SAME TIME SLIPPAGE POSSIBILITIES WE CAN ANTICIPATE FOR OUR OWN DATA GATHERING PROGRAMS. ULTIMATE TESTS FOR U.S. AGREEMENT ARE: (A) THE DATA CAN BE PROVIDED BY THE U.S. ON THE BASIS OF OUR ONGOING AND PLANNED DATA COLLECTION PROGRAMS; OR, (B) WHERE WE MIGHT NOT BE ABLE TO PROVIDE INFORMATION ON THIS BASIS, THE DATA REQUEST SHOULD BE ON A BEST ENDEAVOUR BASIS; AND (C) PROCUREMENT DATA IN FORM AND DETAIL WHICH SATISFIES MOST OF THE INFORMATION WE SEEK WITHIN THE TIMEFRAME OF THE MTN.

3. THE U.S. POSITION FOR: (A) EXCEPTIONS IN CONNECTION WITH PURCHASES IN BEHALF OF INTERNATIONAL ORGANIZATIONS IS THAT THE CODE WILL APPLY INsofar AS THE PURCHASES ARE MADE BY MEMBER GOVERNMENTS RATHER THAN THE INTERNATIONAL ORGANIZATION; (B) DISCRIMINATION BETWEEN FOREIGN SUPPLIERS -- ONLY SUPPLIERS OF SIGNATORY COUNTRIES WOULD BE ENTITLED TO TREATMENT PROVIDED BY CODE. U.S. DEL SHOULD NOT FORECLOSE LATER POSSIBILITY OF EXTENDING SOME OR ALL OF NATIONAL TREATMENT TO SUPPLIERS FROM NON-SIGNATORY LDCS; (C) PROVISIONS FOR PROTESTS -- STAND FIRM ON OUR BRIEF FOR PARA 34 OF DRAFT GUIDELINES AND ITS RELATIONSHIP TO PARAS ON PUBLICITY. CONTINUE TO ARGUE FOR RIGHTS OF FOREIGN SUP-

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PAGE 03 STATE 115691

PLIERS TO LODGE LEGITIMATE PROTEST AT ANY STAGE OF PROCUREMENT PROCESS; (D) STRIVE FOR AN INITIAL THOROUGH DISCUSSION OF SUBJECT OF SURVEILLANCE EXPLAINING BASIS FOR U.S. TEXT PROVIDED LAST YEAR (TEXT 3 IN GUIDELINES); AND (E) FINAL PROVISIONS -- HERE TOO, DEL SHOULD STRIVE FOR INITIAL THOROUGH DISCUSSION. EMPHASIZE THAT AS A POLITICAL MATTER, U.S. ADHERENCE TO CODE DEPENDENT ON ADHERENCE BY SUFFICIENT NUMBER OF OTHER OECD INDUSTRIALIZED COUNTRIES. U.S. SHOULD

PROPOSE ALSO THAT AMENDMENTS TO THE CODE MUST BE SUBJECT TO UNANIMOUS AGREEMENT BY ALL SIGNATORIES AND THAT THE AGREEMENT MUST PROVIDE FOR WITHDRAWAL BASED ON REASONABLE ADVANCE NOTICE, SAY SIX MONTHS.

4. HIGHEST PRIORITY OF MEETING IS AGREEMENT ON DATA GATHERING EXERCISE. SECOND PRIORITY IS TO FULLY ILLUMINATE, AND WHERE POSSIBLE, REACH AGREEMENT, ON PRINCIPLE, ON THE ISSUES DELINEATED IN PARA 3 ABOVE. IF NOT POSSIBLE AT THIS MEETING, U.S. SHOULD PROPOSE THAT TCWP SCHEDULE A FOLLOW-UP DISCUSSION AT ITS NEXT MEETING ON OTHER CODE ISSUES DISCUSSED AT LAST FEBRUARY TC MEETING. KISSINGER

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